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APPLICATION NO:	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,592

01/31/2006

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EXAMINER

NWUGO, OJIAKO K

ART UNIT

PAPER NUMBER

2612

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/566,592

Applicant(s)

FUSCO, MAURIZIO

Examiner

Ojiako Nwugo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

The **claims 1- 7** are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Examiner is unable to determine what phrases like "compound by external sensors", "dedicated supplemented circuit" etc means.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim1 is rejected under 35 U.S.C. 102(b) as being anticipated by Christopher D. Finnegan US Patent 4482785. (Hereafter referred to Finnegan)

Regarding **Claim 1**, Finnegan discloses in Fig. 1 and col. 8 lines 47-57 the automatic dialing of alarm phone number upon detection of elevated temperature. In col.9 lines 11- 14 a tape message announcer is connected to inform concerned parties about alarm condition and location. Finnegan disclose in the abstract the refrigeration compartment are for perishable products. Alarm indicating raised temperature in

refrigeration unit storing perishable products in inherently an indication of the risk of decay. In col.3 lines 52-64 discloses a control panel with temp set knob for setting temperature. In fig. 1b and col. 9 lines 29-40, Finnegan discloses a thermal sensor 9 which are a corollary to thermostats. In col. 8 lines 60-63 discloses a timer, which times the dial done. Since it is preset to 60 and is part of electronic circuitry it constitutes an electronic timer. In col. 5 lines 25-33 that the numbers to dialed are stored in memory. In col. 8 lines 31-34 discloses the provision of audible and visual alarms disposed in control panel 22 in fig. 1. This reads on "a loud alarm will locally be activated through the buzzer and is visible through the led diode attached to that particular fridge".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2, 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finnegan in view of John Lawrence GB 2250094 A (Hereafter referred to as Lawrence)

Regarding **Claim 2**, Finnegan discloses the entire limitation **claim 2** as applied to **claim 1** except a temperature log that can interface with the outside. Lawrence discloses in page 7 lines 9-19 a temperature log, which can be interfaced with a display device and a keyboard by manipulating switch 34 in fig. 1. This reads on "installed in the refrigerating units to acquire and monitor the measure of temperatures, connected to

the basic circuit. The circuit, equipped with buffer for the storage of data, allows sharing the data through the connection interface, with the outside (type USB, RS232 port or similar). This makes possible to store the history of temperature measurement for a successive electronic data processing and electronic data storage".

It would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the interface capability of Lawrence into Finnegan for maintenance tracking as taught by Lawrence.

Regarding **Claim 3**, Lawrence discloses page 7 lines 20 that one of the manipulations enabled by switch 34 as treated in **claim 2** includes the printing of the logged information. The printing device would be an "external module with a solid-state memory on board". Lawrence does not specifically disclose a personal computer. However the system is interfaced with a processor 6 of the cash register as disclosed in figure 1. The cash register, which is then used to display logged temperature data, data that which can manipulated by cash register keyboard as disclosed in page 7. Ultimately the manipulation of logged data is software process. This reads on "characterized by the fact that includes an external module with solid-state memory on board can be connected to the device, through the interface connection and then to a personal computer, and vice-versa, for the data exchange a firmware for the management and functioning of the circuit with a specific software application is included for the use of the different functions of the device".

Regarding **Claim 5**, Finnegan in view of Lawrence discloses all the limitations of **claim 5** as applied to **claim 2** including Lawrence disclosing page 7 lines 20 that one of

the manipulations enabled by switch 34 as treated in **claim 2** includes the printing of the logged information. The printing device would be an "external module with a solid-state memory on board". Lawrence does not specifically disclose a personal computer.

However the system is interfaced with a processor 6 of the cash register as disclosed in figure 1. The cash register, which is then used to display logged temperature data, data that which can manipulated by cash register keyboard as disclosed in page 7. Ultimately the manipulation of logged data is software process. This reads on "characterized by the fact that includes an external module with solid-state memory on board can be connected to the device, through the interface connection and then to a personal computer, and vice-versa, for the data exchange a firmware for the management and functioning of the circuit with a specific software application is included for the use of the different functions of the device".

It would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the interface capability of Lawrence into Finnegan for maintenance tracking as taught by Lawrence.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finnegan in view of Paul Wacker et al US patent 6851621, Further in view of William Montemer US patent publication 2003/0223565. (Hereafter referred to as Wacker and Montemer)

Regarding **Claim 4**, Finnegan discloses the monitoring of refrigeration system it does disclose the active inquiry in status of the system. Wacker discloses in fig. 1 and col. 4 lines 43-49 the on- line diagnosing and troubleshooting of refrigeration system. Neither Finnegan nor Wacker discloses synthesized vocal response. Montemer

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discloses in paragraph 51 in which an advertisers message can be converted to synthesized vocal message in response to customer request.

It would have been obvious fro one of ordinary skill in the art to combine at the time of invention to incorporate interactivity of Wacker and the Vocal response of Montemer into Finnegan to make it more user friendly.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finnegan and Lawrence in view of Paul Wacker et al US patent 6851621 further in view of William Montemer et al US patent publication 2003/0223565.

Regarding **Claim 6**, Finnegan in view of Lawrence discloses all the limitations of **claim 6** as applied to **claim 2** but neither discloses interactivity and synthesized vocal response. Finnegan discloses the monitoring of refrigeration system it does not disclose the active inquiry in status of the system. Wacker discloses in fig. 1 and col. 4 lines 43-49 the on- line diagnosing and troubleshooting of refrigeration system. Montemer discloses in paragraph 51 in which an advertisers message can be converted to synthesized vocal message in response to customer request.

It would have been obvious for one of ordinary skill in the art at the time of invention to incorporate interactivity of Wacker and the Vocal response of Montemer into Finnegan to make it more user friendly.

Regarding **Claim 7**, Finnegan in view of Lawrence discloses all the limitations of **claim 7** as applied to **claim 3** but neither discloses interactivity and synthesized vocal response. Finnegan discloses the monitoring of refrigeration system it does disclose the

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active inquiry in status of the system. Wacker discloses in fig. 1 and col. 4 lines 43-49 the on- line diagnosing and troubleshooting of refrigeration system. Montemer discloses in paragraph 51 in which an advertisers message can be converted to synthesized vocal message in response to customer request.

It would have been obvious fro one of ordinary skill in the art to combine at the time of invention to incorporate interactivity of Wacker and the Vocal response of Montemer into Finnegan to make it more user friendly.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ojiako Nwugo whose telephone number is (571) 272 9755. The examiner can normally be reached on M - F 7.30am - 5.00pm EST, Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571) 272 7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OKN


BRIAN TYRONE PENDLETON
SUPERVISORY PATENT EXAMINER